



City of Marietta Meeting Summary

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

CITY COUNCIL

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Holly Marie Walquist, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, June 11, 2008

7:00 PM

Council Chamber

20080638

Distinguished Service Award - William Florence

Distinguished Service Award presented to William Florence for his dedication and service on the Marietta Planning Commission.

Presented

20080643

Fleet Maintenance

Recognition of the Fleet Maintenance Division of Public Works for their outstanding achievement of being recognized as one of the "Top 100 Fleet Maintenance Operations" in the country by Fleet Equipment Magazine. The Fleet Maintenance Employees to be recognized for this achievement are

Scott Lawler, Operations Manager
Eric Johnston, Fleet Supervisor
Darren Camp
Terry Fischlein
Ricky Gibbs
Josh Little
Reggie Maiden
Mike Middleton
Mark Rice
Zach White
Patrick Haight
Jordan Stubblefield
Joan Marshall
David Drafall

Presented

20080617

Regular Meeting - May 12, 2008

Review and approval of the May 12, 2008 regular meeting minutes.

Approved

20080618 **Special Meeting - May 28, 2008**

Review and approval of the May 28, 2008 special meeting minutes.

Approved

20080692 **Special Meeting - June 9, 2008**

Review and approval of the June 9, 2008 special meeting minutes.

Approved

20080579 **Board of Zoning Appeals Appointment - Ward 5**

Appointment of Steve Carson to the Board of Zoning Appeals (Ward 5) for a three-year term, expiring June 11, 2011.

Approved

20080580 **Historic Preservation Commission Appointment - Ward 5**

Appointment of Terry Lee to the Historic Preservation Commission (Ward 5) to fill the unexpired term of Brenda McCrae, which expires September 14, 2008.

Discussed

20080694 **Historic Preservation Commission Appointment - Ward 5**

Appointment of Terry Lee to the Historic Preservation Commission (Ward 5) for a three year term beginning September 14, 2008 and expiring September 13, 2011.

Approved

20080520 **Cobb-Marietta Water Authority Appointment**

Motion for an appointment to the Cobb-Marietta Water Authority for a term of four years to fill the unexpired term of Scott Craddock, which expires August 14, 2008.

Approved as Amended

Motion to appoint Van Pearlberg to the Cobb-Marietta Water Authority for a term of four years commencing August 15, 2008 and expiring August 14, 2012.

20080594 **Code Enforcement - 496 Barnes Mill Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 496 Barnes Mill Drive.

Listed Owner: Lanham Marjorie Juanita

Certified mail receipt not received as of 05/30/08

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20080625

Code Enforcement - 341 W. Post Oak Xing

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 341 W. Post Oak Xing.

Listed Owner: Erika S. Burse

Certified mail receipt not received as of 05/30/08.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20080626

Code Enforcement - 586 Welch Street

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 586 Welch Street.

Listed Owner: Rod Pritchett

Certified mail receipt received 05/18/08 as "not deliverable."

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20080639

Code Enforcement - 206 Westland Circle

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 206 Westland Circle.

Listed Owner: Frances Lee Nelson

Certified mail receipt not received as of 05/30/08.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein

Approved

20080640

Code Enforcement - 71 Barrington Place

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 71 Barrington Place.

Listed Owner: Dias Machado Walter II

Certified mail receipt not received as of 05/29/08

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20080645

Code Enforcement - 395 Alexander Circle

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 395 Alexander Circle.

Listed Owner: Les Smith

Certified mail receipt received on 06/02/08.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Approved

20080646

Code Enforcement - 356 Wellons Street

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 356 Wellons Street.

Listed Owner: Sharon McHenry

Certified mail receipt returned on 05/27/08; unable to forward.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20080648

Code Enforcement - 411 Edwards Drive

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 411 Edwards Drive.

Listed Owner: Windy Fuller

Certified mail receipt not received as of 05/30/08.

Taxes paid: NO; \$836.60

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Removed

20080650

Code Enforcement - 222 Cole Street

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 222 Cole Street.

Listed Owner: Freeport Title & Guaranty, Inc.

Certified mail receipt received on 05/28/08; signature not legible.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20080652

Code Enforcement - 375 Kings Court

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 375 Kings Court.

Listed Owner: Dolores Guzman & Bertha Sanche

Certified mail receipt not received as of 05/30/08.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20080654

Code Enforcement - 403 Windsor Drive

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 403 Windsor Drive.

Listed Owner: D.E. Wilson and Associates, Inc.

Certified mail receipt not received as of 05/30/08.

Taxes paid: NO, \$469.78

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20080655

Code Enforcement - 635 Wisteria Drive

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 635 Wisteria Drive.

Listed Owner: George H. Williams

Certified mail receipt received 05/23/08.

Taxes paid: NO, \$5,935.62

PUBLIC HEARING REQUIRED

Approved

20080656 Code Enforcement - 126 South Avenue

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 126 South Avenue.

Listed Owner: Gwen Wilcox Newberry

Certified mail receipt not received as of 05/30/08.

Taxes paid: NO; \$762.32

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20080657 Code Enforcement - 509 Tower Road

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 509 Tower Road.

Listed Owner: Bobby L. Terrell & Frank Wigington

Certified mail receipt received on 06/02/08; not signed by owner.

Taxes paid: NO, \$677.90 due on Parcel 16 10130 0220

\$624.16 due on Parcel 16 10130 0240

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20080658 Code Enforcement - 511 Tower Road

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 511 Tower Road.

Listed Owner: Fred Appleby

Certified mail receipt not received as of 05/30/08.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20080674 Code Enforcement - 995 Laurel Springs Lane

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 995 Laurel Springs Lane.

Listed Owner: Robert E. Lamb

Certified mail receipt not received as of 06-02-08.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20080675 **Code Enforcement - 356 Redwood Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 356 Redwood Drive.

Listed Owner: James E. and Cheryl R. Ponder

Certified mail receipt not received as of 06-02-08.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20080541 **Z2008-05 City of Marietta 133 Rigby Street**

Z2008-05 [REZONING] CITY OF MARIETTA requests rezoning for property located in Land Lot 12160, District 16, Parcel 0100, 2nd Section, Marietta, Cobb County, Georgia and being known as 133 Rigby Street from PRD-MF (Planned Residential Development Multi-Family) to R-4 (Single Family Residential 4 units/acre). Ward 5.

Approved

20071431 **CA2008-03 Proposal to amend the Comprehensive Development Code Section 710.07, Storage**

CA2008-03 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 710.07 Storage.

Approved

20080585 **FY'2008 HOME Program Subrecipient Agreement**

Approval of a Resolution authorizing the execution of the FFY'2008 HOME Program Subrecipient Agreement with the Georgia Urban County Consortium's administrative agent, Cobb County.

Discussed

20080546 **Recommended Budget for FY09**

An Ordinance adopting the Annual Budget for the fiscal year ending June 30, 2009, for the variance funds of the City of Marietta and enacting the tentative Ad Valorem tax levies for said fiscal year for support of the City of Marietta governmental operations and other public purposes, and debt service obligations.

Approved

20080547 **Welcome Center Contract**

Motion approving a request to allocate hotel/motel and 3% auto rental tax funds and approve the FY09 Welcome Center Contract.

Approved

Council member Goldstein filed a written disclosure with the City Clerk that the Theatre on the Square is one of his tenants and abstains on items that deal with Tourism Grants for the Theatre. He is a member of the History Museum and Brumby Hall, Cobb Landmarks and Marietta-Cobb Museum of Art.

Council member Goldstein is abstaining on the whole motion.

Mayor Dunaway disclosed that he is a member of Cobb Landmarks and has worked on fundraisers for Friends of Brown Park and his wife is a member of Marietta-Cobb Museum of Art.

Council member Pearlberg disclosed that he is on the Marietta Museum of History Board of Directors, he is a member of Cobb Landmarks and his wife is a member of the Georgia Ballet.

Council member Walquist disclosed that she is a member of the Marietta-Cobb Museum of Art, Cobb Landmarks and Museum of History.

20080548 **Post-Employment Trust Fund**

Motion approving a Voluntary Employee Benefits Association Trust Agreement, "The City of Marietta Trust for Other Post-Employment Benefits (OPEB)."

Approved

20080549 **Weed and Seed Budget Amendment**

Budget amendment to move the FY2008 budget for the Weed and Seed Program from the general fund to a new fund of the City

Approved

20080572 **Cemetery Fund Budget Amendment**

Budget Amendment allocating \$36,700 from Cemetery Reserves to expenditure account for repairs to the city cemetery and, an additional \$1189.00 from cemetery reserves to expenditure account to balance the account because of unexpected expenses incurred during the budget year.

Discussed

20080574 **Acceptance of a donation**

Budget Amendment appropriating a \$1,010 donation from Marietta Flea Market. Approval to move the donation into the fire admin. general operating fund [101 4101 522 6111] for public education and safety programs.

Discussed

20080583 **Weed and Seed Summer Intern**

Request approval to receive \$2,358 from United Way to fund a summer intern for the Franklin Road Weed and Seed Project

Approved

20080424 **CA2008-04 Proposal to amend the Comprehensive Development Code, Division 714 Signs, Section 714.02 Permit Requirements.**

CA2008-04 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 714 Signs, Section 714.02 Permit Requirements.

Approved

20080450 **CA2008-05 Proposal to amend the Comprehensive Development Code Division 712.09, paragraphs B, F(4) and G(4), Commercial Corridor Design Overlay District**

CA2008-05 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 712.09, paragraphs B, F(4) and G(4), Commercial Corridor Design Overlay District

Approved

20080628 **Ordinance Amending Streets and Sidewalks**

Ordinance amending chapter 5-4 Streets and Sidewalks of the Marietta City Code by adding Section 5-4-190 Modification of Sidewalks within the Central Business District; Permit Required, with the following amendment:
Item B7 shall be amended to read, "All bricks shall only contain the names of donors, organization, title, honorarium, memorial and/or dates."

Approved

20080593 **Street Name Change**

Motion requested by Councilman Anthony Coleman for street name change from Hyde Drive to Kenneth E. Marcus Way.

Approved as Amended

Motion to change the name of Hyde Drive to Kenneth E. Marcus Way; the change shall only apply to the portion of Hyde Drive east of Fairground Street.

20080576 **Ordinance to revise Chapters 4-4, 4-8 and 4-12 of the Marietta Code of Ordinance**

Ordinance to revise Chapters 4-4, 4-8, and 4-12 of the Personnel Rules and Regulations to address title and department designations, terminations of employees under certain conditions, revisions to the FMLA, revisions to the City/BLW Pay and Classification Plan, revisions to employee evaluation process, and miscellaneous language changes.

Discussed

20080561 Standard Operating Procedures

Motion approving amendments to the Marietta Police Department Standard Operating Procedures: A034 Budget and Physical Management; A044 Uniforms, Equipment, and Department Property; A045 Time Control Procedures; A050 Secondary Employment; A054 Assignments; A073 Building Security; E015 Emergency Operations; S031 Habitual or Serious Offender; S045 Crime Interdiction Unit

Approved

20080688 175th Anniversary Celebration (2009)

Resolution authorizing staff to move forward with the planning of events and activities associated with 175th Anniversary Celebration (2009).

Approved

20080584 Marietta Museum of History Board of Directors

Appointment of Harry Lembeck, Alexis Amaden, Stephen W. Imler, and Danna "Kaye" Long to the Marietta Museum of History Board of Directors for a 3-year term expiring on June 11, 2011.

Approved

20080542 V2008-08 Centerpoint Engineering 1252 and 1256 Roswell Road

V2008-08 [VARIANCE] CENTERPOINT ENGINEERING request variances for property located in Land Lot 1239, 16th District, Parcels 0090 and 0190, 2nd Section of Cobb County, Marietta, Georgia and being located at 1252 and 1256 Roswell Road. Variance to reduce the required planted border from 5' to 0' along private drive; Variance to reduce the required landscape strip from 10 feet to 6.2 feet along Roswell Road; Variance to increase the maximum impervious surface area to 81% from 80%; Variance to reduce required parking from 42 spaces to 41 spaces; Variance to reduce the minimum width of interior drives from 20 feet to 15 feet. Ward 7.

Approved as Stipulated

Motion to approve the variance request from Centerpoint Engineering for property located in Land Lot 1239, 16th District, Parcels 0090 and 0190, 2nd Section of Cobb County, Marietta, Georgia and being located at 1252 and 1256 Roswell Road, as stipulated:

- 1) Variance to reduce the required planted border from 5' to 0' along private drive located along the western property line.
- 2) Variance to reduce required parking from 42 spaces to 40 spaces. However, if the applicant is able to construct an entrance to the adjacent to the private drive, with the approval of the Public Works Director, the variance would be to reduce the required parking from 42 spaces to 41 spaces.
- 3) Prior to the issuance of the Certificate of Occupancy, the applicant shall donate right-of-way beginning at the northwest corner of the property. The right-of-way shall be 5 feet wide and proceed along Roswell Road 100 feet east.
- 4) The landscape located northeast of the curb cut off Roswell Road (at the drive way apron in front of the two parking spaces) shall be 5 feet in width.

20080663 Purchase of Property - 277 and 291 Roswell Street

Motion to authorize the purchase of a landscape easement at 277 and 291 Roswell Street for the amount of \$3,500 from Fred E. Cook and Anna C. James.

Approved

20080664 Condemnation of Property - 780 Church Street, Rite Aid

Motion to authorize the acquisition of property owned by WOODROSE, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case.

Approved

20080665 Condemnation of Property - 792 Church Street - Gatti Office

Motion to authorize the acquisition of property owned by ANTHONY J. GATTI and JANICE B. GATTI on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case.

Approved

20080666 Condemnation of Property - 26 Tower Road, Ventas Realty

Motion to authorize the acquisition of property owned by VENTAS REALTY, LIMITED PARTNERSHIP on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case.

Approved

20080667 Condemnation of Property - 789 Church Street, Peoples Financial

Motion to authorize the acquisition of property owned by PEOPLES FINANCIAL CORPORATION on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case.

Approved

20080668

Condemnation of Property - 72 Plaza Way, Dr. Espy and Dr. Kelley

Motion to authorize the acquisition of property owned by ALPHA ENTERPRISES, A GEORGIA GENERAL PARTNERSHIP on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case.

Approved

20080669

Condemnation of Property - 805 Campbell Hill Street, Revisional Eye

Motion to authorize the acquisition of property owned by REVISIONAL PROPERTIES, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case.

Approved

20080670

Condemnation of Property - 731 Whitlock Avenue, Rite Aid

Motion to authorize the acquisition of property owned by DDR SOUTHEAST WHITLOCK, L.L.C. on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case.

Approved

20080696

Property purchase , 597/599 Frasier St

Motion to authorize the purchase of property owned by Marietta Developers, Inc., located at 597/599 Frasier Street for 155,000. The purchase is to be used for the S. Fairground Street (N. Marietta Parkway to S. Marietta Parkway) Project.

Approved

Council member Grif Chalfant and Van Pearlberg opposed.

20080697

Property purchase , 607/609 Frasier St

Motion to authorize the purchase of property owned by Marietta Developers, Inc., located at 607/609 Frasier Street for 155,000. The purchase is to be used for the S. Fairground Street (N. Marietta Parkway to S. Marietta Parkway) Project.

Approved

Council member Grif Chalfant and Van Pearlberg opposed.